

## REMARKS

Claims 1-3 were previously canceled without prejudice or disclaimer. Therefore, claims 4-12 are the claims currently pending in the Application.

### *Rejection of Claims 4, 10, 11 and 12 under 35 U.S.C. § 103*

Independent claims 4, 10, 11 and 12 are rejected under 35 U.S.C. § 103 as being obvious from Racine, U.S. Patent No. 4,811,243 and Cortopassi et al., U.S. Patent No. 6,707,942. This rejection is traversed.

Among the problems recognized and solved by Applicants' claimed invention is that of controlling a device based on a stroke (or color) on a pad, a page or the like.<sup>1</sup> According to an aspect of Applicants' claimed invention, a parameter is programmed, for example in an alarm clock application, in a thermometer application, or the like, such that a value of the parameter is derived from a thickness of the stroke (or a color of the stroke).

For at least the following reasons, Applicants' claimed invention is neither anticipated by nor obvious from the references cited. By way of example, independent claims 4, 10, 11, and 12 require deriving the value of the parameter from a thickness and/or color of the stroke.

Racine discloses a coordinate digitizing system for reading data from construction drawings and estimating values based on drawings (Racine, Abstract); determining x and y coordinate positions on a surface of a drawing (Racine, col. 1, lines 56-62); and calculating parameters from the coordinates such as the weight of the material required for a portion of the drawings used in construction (Racine, col. 6, line 23-35).

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<sup>1</sup> The present discussion illustrates aspects of Applicants' claimed invention. Applicant does not represent that every embodiment of Applicants' claimed invention necessarily embodies or performance the solution herein discussed.

The Examiner acknowledges that Racine does not teach that a thickness or color is associated with a coordinate in the drawing (Office Action, page 3). However, the Examiner alleges that Cortopassi discloses this feature.

Cortopassi discloses improved handwriting recognition and user authentication based on the pressure information received at a pad that digitizes handwriting or hand-drawing (Cortopassi, Abstract), and based on the pressure information, a thickness of an element in a graphics application is displayed is in response to the amount of pressure applied by the user at the pad (Cortopassi, Figure 15; column 12, lines 17-46). Cortopassi discloses that when greater pressure is applied to the pad by the user, a thicker line or element is displayed than when less pressure is applied (Cortopassi, column 12, lines 17-46; Figure 15).

Cortopassi does not disclose or suggest controlling a parameter based on a thickness (and/or a color) of the stroke. As discussed, Cortopassi discloses arriving at a thickness to be displayed based on pressure information, not controlling a parameter based on the arrived at thickness.

Further, since Cortopassi does not disclose or suggest this feature, Cortopassi is incapable of disclosing or suggesting deriving a value of the parameter from a thickness of the stroke (and/or the color). Accordingly, Racine and Cortopassi, even taken together in combination, do not disclose or suggest the recitations of independent claims 4, 10, 11 and 12.

Moreover, it is respectfully submitted that there would have been no suggestion or motivation for arriving at Applicants' claimed invention based on the references cited. The Examiner alleges that the motivation would have been as allegedly taught by Cortopassi in the Abstract, that the combination incorporates x-y coordinate digitization in addition to allowing the setting of ranges of parameters other than position allowing width information to be

parameterized. As discussed, Cortopassi discloses arriving at a thickness of an element to be displayed, but does not teach any kind of parameterization of the displayed thickness.

Further, even assuming *arguendo* contrary to fact that Cortopassi did teach such a feature, the Examiner has cited no motivation for combining Racine's computer-aided drawing digitization system with Cortopassi's element thickness generation system to arrive at Applicants' claimed invention. That is, the Examiner has provided no evidence that such a combination would have been obvious to one of ordinary skill in the art without recourse to impermissible hindsight reconstruction based on the Applicants' own disclosure. Accordingly, this rejection should now be withdrawn.

#### ***Rejection of Claims 5-9 under 35 U.S.C. § 103***

Claims 5-9 are rejected under 35 U.S.C. § 103 as being obvious from Racine and Cortopassi in view of Gingras, U.S. Patent No. 4,236,084. This rejection is traversed.

Claims 5-9 depend from independent claims 4, and thus incorporate novel and non-obvious features thereof. Gingras does not remedy the deficiencies of Racine and Cortopassi as they relate to independent claim 1, and the Examiner does not allege that Gingras discloses the above-discussed features.

Therefore, claims 5-9 are patentably distinguishable the prior art for at least the reasons that independent claim 4 is patentably distinguishable the prior art. Accordingly, this rejection should now be withdrawn.

For at least the reasons set forth in the foregoing discussion, Applicants believe that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this

Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George Brieger".

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